

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

JOE SAENZ, Parent,
on behalf of V.S., Student,

Plaintiff,

v.

No. CV 18-954 GBW/CG

BOARD OF EDUCATION OF SILVER
CONSOLIDATED SCHOOLS, et al.,

Defendants.

SCHEDULING ORDER

In accordance with the Civil Justice Expense and Delay Reduction Plan adopted in compliance with the Civil Justice Reform Act, and pursuant to Title 28 U.S.C. § 473(a)(1), this case is assigned to an approximately “**180-day**” discovery track classification. Accordingly, the termination date for discovery is **November 19, 2019**, and discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. Before moving for an order relating to discovery, the parties may request a conference with the Court in an attempt to resolve the dispute. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing

parties by **December 9, 2019**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

Plaintiff shall identify to all parties in writing any expert witness to be used by Plaintiff at trial and to provide expert reports pursuant to FED. R. CIV. P. 26(a)(2)(B) no later than **August 30, 2019**. All other parties shall identify in writing any expert witness to be used by such parties at trial and to provide expert reports pursuant to FED. R. CIV. P. 26(a)(2)(B) no later than **September 30, 2019**.

Pretrial motions, other than discovery motions, shall be filed with the Court and served on opposing party by **December 19, 2019**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely.

Plaintiff shall have until **June 24, 2019**, to join additional parties and to amend the pleadings. Defendant shall have until **July 24, 2019**, to join additional parties and to amend the pleadings.

If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

Counsel are directed to file a consolidated final Pretrial Order as follows: Plaintiff to Defendant on or before **February 3, 2020**; Defendant to the Court on or before **February 18, 2020**. Counsel are directed that the Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be

permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

Counsel for Plaintiff and Defendant Silver Consolidated Schools have also agreed to exchange briefs pertaining to the IDEA civil action pursuant to the following schedule: The parties' Briefs in Chief are due August 12, 2019; the parties' responses are due September 12, 2019; and the parties' reply briefs are due September 26, 2019. This schedule is separate from, and does not control, the other dispositive briefing deadlines.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Carmen E. Garza", written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE